

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYASHTA 1929

OP.No. 838 of 1997(Y)

PETITIONER:

V.PONNAYAN, BINDU BHAVAN, PATHYAKALA,
VENPAKAL P.O., NEYYATTINKARA, THIRUVANANTHAPURAM.

BY ADV. SRI.B.JAYASURYA

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, DEFENCE, NEW DELHI.
2. THE SECRETARY OF DEFENCE, UNION OF
INDIA, NEW DELHI.
3. THE RECORD OFFICER, RECORDS ARMY NASICK
ROAD, CCDA (PENSION) ALLAHABAD.
4. THE COMMANDANT, TOPKHANA ABHILEKH,
ARTILLERY, RECORDS, NASICK ROAD, CAMP.
5. PENSION SANCTIONING AUTHORITY CCDA
(PENSION) ALLAHABAD.

BY ADV. SRI.JAGDEESH LAKSHMAN, ADDL.CGSC
SRI P.S.SREEDHARAN PILLAI SCGSC
SRI.S.R.AJITH, ADDL.CGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.1338 OF 1997 IN OP NO.838 OF 1997 Y

//DISMISSED//

13.06.2007.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF EMPLOYMENT INDEX CARD OF THE PETITIONER.

EXT.P2: TRUE COPY OF REPRESENTATION DATED 9.5.1985 BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P3: TRUE COPY OF REPRESENTATION DATED NIL BY THE PETITIONER TO THE DEFENCE MINISTER.

EXT.P4: TRUE COPY OF ORDER DATED AUGUST, 1992 BY THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:

EXT.R1: A TRUE COPY OF THE LETTER NO.1246085/APPEALS/DP/NE DATED 29.5.1985 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.R2: A TRUE COPY OF THE LETTER NO.G-3/84/7248/II DATED 28.9.1984 ISSUED BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT.

EXT.R3: A TRUE COPY OF THE LETTER NO.1246085/DP-27251/NE DATED 6.11.1984 ISSUED BY THE 4TH RESPONDENT.

EXT.R4: A TRUE COPY OF THE CORRIGNEDUM NO.1(1)/81/D (PEN-C) DATED 20.6.1996 ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.838 OF 1997

Dated this the 13th day of June, 2007

JUDGMENT

The petitioner was removed on ground that he became disable to serve the Army. His disability was one which is not attributable to military service or to have been aggravated by military service. The decision of the competent authority was that the petitioner was not entitled to disability pension. He did not appeal against the same. After a long lapse of time, the petitioner made several representations, leading ultimately to Ext.P4 decision, by which, he was told in August, 1992 that the application for disability pension was rejected for the reasons noticed therein. It was also pointed out that inspite of being notified of his right to appeal against that decision, he had not filed any appeal within a period of six months from 28.9.1984, which was the stipulated period going by Rules. Though Ext.P4 was issued in August, 1994, this writ petition is filed in 1997, seeking to rake up the issue on the ground that his case has not

been appropriately decided. I do not find any legal infirmity or jurisdictional error in the action taken by the respondents.

The writ petition is dismissed.

THOTTATHIL B.RADHAKRISHNAN
Judge

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OP.838/97

Page numbers

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.838 OF 1997

JUDGMENT

13TH JUNE, 2007.

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